IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.475 OF 2006
IN
EXECUTION APPLICATION NO.187 OF 2001
IN
CASE NO.CC-IV 280 OF 1999

Janani Sahakari Patsanstha Maryadit Disputant
versus
Ananda Sakharam Kadam & others Opponents

Ms.S.Y.Salunkhe i/by R.N.Jawal for disputant.
Mr.Pradip S. Gole for opponent no.4.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 2nd August 2006

PC :

1. Heard Shri Gole for Opponent No.4 and Ms.Salunkhe for the disputant-decree holder.

2. The matter is essentially between opponent no.4 and the disputant.

3. The matter was mentioned in the light of the urgency today morning and therefore, is taken up by consent after recess.

4. The Chamber Summons is by the Opponent No.4

Police Constable whose salary continues to be attached in execution of an award passed in favour of the disputant.

5. My attention is invited to the affidavit in support and more particularly the statements in paras 5 and 7 of the same.

6. Shri Gole has also invited my attention to Section 60 as also Order XXI, Rule 48 of the CPC..

7. After perusal of these materials, in my view, the attachment of the salary of the opponent no.4 any further, would be contrary to the statutory provisions permitting attachment of salary of a Government Servant.

8. Consequently, Chamber Summons is made absolute in terms of prayer clause (a).

9. This order does not prevent the decree holder from executing the decree as against the principal borrower and the other guarantors. This order also does not prevent the decree holder from executing the decree insofar as other properties of the guarantors are concerned.

10. The employer concerned to act on an ordinary copy of this order duly authenticated by registry of this Court and make appropriate adjustments.

(S.C.DHARMADHIKARI, J.)